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California. Legislature. Assembly.
Interim Committee on Fish and
Game.
Transcript of proceedings,
edited; hearing on big game
management problems, Fresno, Nov.
17, 1955.

TRANSCRIPT OF PROCEEDINGS

(Edited)

California Legislature.

ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME

HEARING
ON

BIG GAME MANAGEMENT PROBLEMS

Lecture Hall, Science Building
~~New Campus~~, State College,
Fresno, California

November 17, 1955
10 A. M.

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FRANK P. BELOTTI, CHAIRMAN

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ADDENDUM

(THE FOLLOWING LETTERS ARE HERewith MADE A PART OF THE TRANSCRIPT OF HEARING HELD IN FRESNO ON NOVEMBER 17, 1955 BY THE ASSEMBLY INTERIM COMMITTEE ON FISH AND GAME (FRANK P. BELOTTI, CHAIRMAN))

December 6, 1955

Honorable Frank Belotti, Assemblyman
Chairman, Assembly Interim Committee
on Fish and Game
State Capitol
Sacramento, California

Dear Frank:

Enclosed is a copy of a letter from Mr. John Marble, President of the Monterey Cattlemen's Association, which is self-explanatory and which definitely backs my stand concerning Monterey County, which I took at our last meeting in Fresno.

I believe this letter should be added to the record and used for future recommendations. We have a very serious situation over here and I feel that I am speaking for all of the Sportsmen's groups, as well as the ranchers, when I say that I wholeheartedly back the Monterey County Cattlemen's resolution.

.....

Sincerely,

/s/

Alan G. Pattee

Monterey County Cattlemen's Ass'n.

Mr. Miles J. Millen, Patrol Captain
Department of Fish and Game
271 Tyler Street
Monterey, California

December 4, 1955

Dear Captain Millen:

I enclose copies of two resolutions with respect to deer herd management in Monterey County which were unanimously adopted at a meeting of the Monterey County Cattlemen's Association November 15.

The discussion at the meeting reflected general agreement that deer herds in this county have reached excessive and burdensome proportions. It is apparent that deer are destroying crops in many parts of the county and competing with domestic livestock for forage on private lands to a harmful extent.

Monterey County Cattlemen do not feel that the "Special"

Addendum to Transcript of Hearing November 17, 1955, Fresno.
Assembly Interim Committee on Fish and Game

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deer hunts have worked out satisfactorily. They want no lengthening of the season during which deer may be taken. They do feel that opening Monterey County to "either sex" hunting during the regular deer season might help to bring our excessive herds under control and into better balance.

We are hopeful that the Department of Fish and Game will authorize the taking of does as well as bucks during the regular 1956 deer season in Monterey County.

Sincerely yours,

John M. Marble
President
Monterey County Cattlemen's
Association
(Rancho Tularcitos, Carmel
Valley, California.)

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ASSEMBLY INTERIM COMMITTEE
ON
FISH AND GAME

Subcommittee Hearing
Fresno, California
November 17, 1955 - 10 A.M.

Subject: BIG GAME MANAGEMENT

MEMBERS IN ATTENDANCE:

FRANK P. BELOTTI, Chairman
Mrs. Pauline L. Davis
J. Ward Casey
Thomas J. Doyle
Alan G. Pattee
Jack Schrade

OTHER LEGISLATORS PRESENT:

Wallace D. Henderson

STAFF MEMBERS PRESENT:

N. B. Keller, Consultant
Vivian Wherley, Secretary

THE CHAIRMAN: (Following introduction of members and other Legislators present)

The meeting will come to order. This meeting is the Assembly Interim Committee on Fish and Game, and it is authorized and acting under the direction of House Resolution No. 240, which was adopted at the 1955 Legislative Session.

We are here to consider problems concerned and pertaining to Big Game Management. I would now like to call on the representative for the Department, Mr. Dasmann.

MR. WILLIAM DASMANN, GAME MANAGEMENT BRANCH, DEPT. OF FISH & GAME

Mr. Chairman and members of the committee. I have a statement that I would like to present.

The deer management policy adopted by the Fish and Game Commission in June of 1950 states its broad objective as follows: To produce and maintain a maximum breeding stock of deer on all wild lands in California, consistent with other uses of such lands, and to utilize through public hunting the available crop of deer produced annually by this breeding stock. This policy was adopted after general review and majority endorsement by organized sportsmen,

farm and other conservation groups interested in wise and common sense management of our deer herds. It stands as good today as it was in 1950.

The hunting public is becoming aware of the great waste of deer that occurs each year under California's buck law. Californians who hunt in neighboring states, or who hear about hunting in neighboring states, are learning that deer of either sex may be harvested without endangering the herds. They are learning that California's annual harvest of bucks, forked horn or better, represents but a fraction of what might be taken each year as compared with what is regularly taken each year in states that are managing their deer on the basis of sound management principles.

In California, antlerless deer hunting in the main has been confined to easing hot spots, in which deer were damaging agricultural crops or damaging their own range.

Starting in November of 1949 with the first special deer hunt in this state on Catalina Island, there have been 38 such special hunts authorized by the Commission. A total of 10,567 deer have been reported taken during these special hunts up to the end of 1954. The hunts relieved depredation problems to varying degrees, but provided no long term solution to deer over populations. These hunts have all been authorized by the Commission under Section 39.1 of the Fish and Game Code, which allows the Commission to order special deer hunts on areas where a surplus of animals exists, or on which big game animals are damaging public or private property, or are over-grazing their range.

Under this procedure, the Commission must hold a public hearing for each proposed special hunt, not less than 35 days after the meeting in which the proposal is publicly announced. The hearing

1

must be held in the County Seat of the County in which the greater portion of the hunting area lies. Notice of hearing must be published at least once in a newspaper of general circulation in the county or counties affected at least 30 days prior to the hearing. The Commission or one of the Commissioners, or the Director of the Department, if requested to do so by the Commission, must conduct the hearing. After the hearing is held, the Commission may abandon the proposal, or make a final order with any modification it deems necessary for regulation of the special hunt.

This is an unwieldy, time-consuming and expensive procedure--a separate hearing for each proposal, to be held not less than 35 days after the proposal is announced, and advertised at least 30 days prior to the hearing, which must take place in the County Seat of the county most affected. Under the present code, this is the only section which allows the Commission to set quotas on either number of permits to be issued, or number of animals to be killed.

Section 16.3, the regulatory powers section, authorizes the Commission to set general seasons and bag limits, to establish territorial limits and to prescribe the manner and means of take. But it does not authorize the setting of permit or kill quotas in any manner or form. Hence, where antlerless or either sex hunts are proposed with a quota limitation, either for protection of the animals or for protection of the hunters, they cannot be ordered when the general deer seasons are set in May, but must be handled as special hunts under Section 39.1.

Section 16.3, by the way, also calls for a public hearing before the taking of female deer may be authorized. But here the provisions are different and more lenient in some respects. A Commissioner must be present at the hearing. The notice must be

published at least 30 days prior in a newspaper of general circulation, which is printed in the county or one of the counties in which the area lies.

The whole procedure under which the Fish and Game Commission and the Department of Fish and Game is required to operate in attempting to manage the state deer herds is so spelled out and so inflexible that it puts considerable difficulties in the way of doing the proper job, and its public support makes possible a wider application of deer management principles, and the need arises to increase the number of areas on which antlerless or either sex hunts are ordered, there is an eminent danger that the machinery will bog down.

There can be a simpler way to handle the matter, and it can be achieved by a few simple code changes:

(1) At the present time, the Commission has the power to establish general antlerless or either sex seasons under the regulatory powers section 16.3. In addition, allow the Commission to set kill or permit quotas under Section 16.3 and to fix fees, to meet those situations where quotas are needed without involving this complicated special hunt procedure.

(2) Continue the public hearing requirement in both Section 16.3 and 39.1, but make the hearing requirements uniform and simplify them. It might be possible to permit a minimum of one hearing per fish and game region under 16.3 to consider all proposed antlerless or either sex hunts, except in special instances where local hearings are desirable. It would be well to require a news article as well as legal notice of such hearings. At the present time we are just required to put legal notice. We suggest you reduce the notice period to about 15 rather than 30 days so that

the machinery can roll without such a long delay.

(3) Allow the Department to issue deer tags for antlerless or either sex hunts on a unit smaller than a district. At the present time deer tags must be issued on a district basis, and the district is defined as a two-bag or a one deer bag limit area. For instance, the coastal season and the inland season are districts.

(4) Change Section 1278 of the Fish and Game Code to permit the Department to issue antlerless or either sex deer tags on a limited basis. At the present time any resident of this state 12 years of age or older may procure the number of license tags corresponding to the number of deer that may be legally taken by one person in the state.

The simplest and least complicated method of regulating deer hunting, both antlered and antlerless, is to establish all but emergency seasons under regulatory powers at the time the general seasons are ordered by the Commission in May of each year.

If the proposed changes are made, a flexible procedure would be established which would allow the Commission to tailor the garment to suit the need. In some areas the only limitation needed on either sex hunting might prove to be length of seasons. By allowing a one, two, three or four day season, the kill of female deer may be kept within safe bounds. This the Commission can do now under existing powers, but there are other areas more open or more available to hunters or of such a size where the number of either sex or antlerless deer permits should be limited, either to protect the deer or to prevent over concentration of hunters.

Although considerable progress has been made in abolishing California's outmoded deer refuges, there are still over 800,000 acres in 20 game refuges that are closed to hunting in this state.

It is notable that Mendocino County, which has year after year provided the record kill in this state, has done so without benefit of refuges. It is true that a small corner of Refuge 2-A reaches into the southeastern corner of the county, but no one will claim that this has affected the Mendocino deer herd in any way. On the other hand, Plumas County has three refuges, Modoc County two refuges, Riverside County two refuges, Lassen County two refuges, San Mateo County two refuges, and 15 other counties have a refuge or a portion of a refuge within their boundaries. The refuges served a purpose when deer were less plentiful and game wardens were scarce. Now they merely protect deer unnecessarily. A flexible system of closures, already within the power of the Commission, will serve deer management better than the inflexible legislative refuge. Lands where deer need refuge protection can be closed for so long as needed and reopened when the emergency is passed. The remaining legislative deer refuges only complicate the deer management picture in the areas where they exist. They should be opened as soon as feasible.

The most significant trend in deer management throughout the Nation during the last 15 years has been the shift in the concept of either sex deer hunting from a damage to a harvest basis. At first, antlerless deer hunts were thought of as population reduction measures to be used occasionally as corrective measures to relieve damage. Once the problem was solved, we could go back to buck hunting as usual. Experience has shown that this doesn't work out. With less mouths to share the food and less animals to crowd the range, the herds bounced back too quickly.

Present thinking recognizes the need to keep deer herds in balance with the supply of good nourishing forage (not just brush)

on their ranges. It recognizes that this can only be done by removing annual surpluses, both male and female, each hunting season. It aims at prevention of damage, rather than cure. It is a harvest rather than a damage concept. Under this type of management, it is visualized that our trimmed down breeding herds will be left with an abundance of the things they need in all but the shortest years. The result will be better fawn production, better all around survival; larger, heavier, healthier animals with bigger racks; more wise use, less unnecessary waste. Thank you.

THE CHAIRMAN: How successful has the program been in these new areas that have been opened to doe hunts recently, with the cooperation of the landowners or the cattlemen. You have had one or two areas that have been opened recently under the control of the Department. Have you had any report on those that have been opened this year?

MR. DASMANN: In general, the success of the hunts this year has been good. In the coast area where controlled hunts were held this year, there seems to be a sentiment among the ranchers that they would prefer to have the last two or three days of the regular season opened to either sex hunting, rather than to have special seasons. But the cooperation over there from the ranchers has been good and I have heard of no complaints from the sportsmen.

Now in the northeastern part of the State, and practically in most of the area east of the Sierras, the Department through investigations and cooperation with the Forest Service, the Bureau of Land Management and other agencies, have in some instances already set up management plans making an equitable division of forage between livestock and deer. In other areas, we are just about at the place where we are setting up these plans. Under

those plans, the land management agencies agree to hold livestock down to certain numbers, and the Department agrees to hold deer down to certain numbers so that the net effect of all animals on the range won't damage the range, but each class animal will get its equal share.

The hunts ordered this year for Modoc County, Lassen County, Alpine, Mono and Inyo Counties are all in accordance with those agreements.

THE CHAIRMAN: Do you think then that it would be better to open or do away with all of the refuges, and under the regulatory powers of the Commission, to determine where these controlled hunts should be held, and to also limit the take and the number of hunters that should be permitted to hunt? Do you think that kind of a program would be better than to continue to carry on and preserve these refuges?

MR. DASMANN: We feel that the refuges could well be opened. The Commission now has the power to close areas to hunting if there is a need for it. A lot of these refuges are so large that the deer are born, live and die within the confines of the refuge. It has been shown that the deer are homebodies. They tend to like to go back to the place where their mammy brought them when they were fawns, and they don't tend to spread out from the refuges. They often will stay in those areas, overbrowse and die from shortages of one kind or another rather than to spread out into adjoining country in a large degree. So we do feel it would be wise to abolish the fixed legislative refuge.

THE CHAIRMAN: Where you have these areas that you open for so many days where you permit the killing of does, and you issue just a specific number of licenses after you have determined by a

survey, possibly, the number of deer that you have in that area, do you find that there are many complaints from hunters who are unable, for instance, to get in? I suspect that perhaps you issue only so many permits on a first come first serve basis.

MR. DASMANN: At the present time we use a lottery system and it has worked rather satisfactorily. I do feel though that there are areas in the state that we might well try out, and I think it will work fine to have just a one-, two- or three-day season open to all tag buyers without the setting of quotas, particularly in the brushy country and the country that is predominantly private land.

THE CHAIRMAN: What do you think of a program, for instance, that would limit the take of deer to one to all hunters, the same as they do in certain other states in the union, regardless of sex, throughout the state?

MR. DASMANN: It may be possible that experience would only show us whether such type of thing is possible in California, but we would hesitate to go into it without a lot of experience behind us because of the high number of deer hunters we have and the possibility that certain areas might be overshot.

THE CHAIRMAN: Speaking for the District that I represent, I know the hunters wouldn't like it, because we feel that we have plenty of feed, plenty of cover to protect and take care of a considerably greater number of deer than we have right now. We wouldn't be in favor of any program that would allow the hunters, for instance, to kill doe.

MR. DASMANN: Ordinarily if the feed is there and the cover is there, the deer will rapidly fill it up if conditions are right for them. If you don't have an abundant deer population there now

it is because there is some factor that is holding the population down. Once deer get up against the limiting factor that keeps pushing them down there is waste occurring. If you can't correct that limiting factor, it is better to take a few of these antlerless animals rather than to leave them out there to die from one cause or another.

MR. PATTEE: Speaking from my own District in Monterey County, we have so many deer that there really has to be a harvesting set up there, there is no doubt about that in my mind. In my own valley the other night I looked down where I was running 60 head of beef cattle on permanent pasture and there were 128 deer. Now something has to be done on this. I wondered is my county in my District--Mr. Belotti says that it is not the same in Humboldt. Throughout the state as a whole, do you think Monterey like I am being hit over there is an example, or is it just a district that hasn't been shot heavy? In your travels around and in your hunting do you feel that there is a very heavy over-population of deer throughout the state? Or am I just seeing an example which is kind of a hidden valley where it is very bad?

MR. DASMANN: I think your area is generally typical of the state.

MR. PATTEE: Well so do I.

THE CHAIRMAN: Let's carry that a little bit further. When you say that Mr. Pattee's district situation is typical of the state, would you indicate that the same situation should apply, for instance, in the north coastal area?

MR. DASMANN: No. When I say it is typical of the state I mean that the deer have reached numbers where they are up against limiting factors. Up in the north coast, the carrying capacity of

a lot of that range is low, so a smaller number of deer reaches the limiting factor. You don't have an abundance of deer there because there is something that keeps knocking them off after they reach a certain number, whether it is food shortage or what. In Monterey County there is a higher carrying capacity. Deer are quite plentiful, but there again they are up against the limiting factor and we do have die offs there.

THE CHAIRMAN: Do you think perhaps that the reason for knocking some of them off up there is due to predators rather than some natural cause or the fact that it is over-populated?

MR. DASMANN: I expect that the most important cause is food up there. I think that with the opening of so much of your forest land through logging you might expect a considerable increase in deer, but ordinarily in that heavy timber country the type of forage that grows under there is rather poor in nutrients. Open it up and you get better food conditions.

MR. DOYLE: Considering Mr. Pattee's problem, I am wondering if perhaps up in his area those places are so rigidly posted No Fishing and No Hunting that that might have something to do with this factor. Is that right, Pat?

MR. PATTEE: It could be very much, because they posted the valley I live in about two years ago. It was posted because of the population of people coming in, and it was posted under a county ordinance "No Hunting", and I can see the biggest jump in the deer population since people haven't been able to get into certain districts there to shoot. Tom could be right on that. When they were allowed just for two years not to get into a certain place to shoot, we had deer that were just running the place over.

MR. DOYLE: I don't believe the Department has any power to

circumvent those posted areas. Now the thing to do there would be to have these farmers get together and see if they wouldn't cooperate with the Department and allow them to open it for a while. The hunters that would be allowed to go in there should be those that they know. They should be screened so they wouldn't go in there and deliberately shoot cattle and all that. I don't blame the farmers for posting their land in a lot of these areas, because you know a lot of the hunters will shoot at anything that moves. They will even shoot a human being. I think if they were properly screened you might get them to open it up for a while. Do you agree with that?

MR. DASMANN: I think that we are making considerable progress over in that coastal area generally in getting places opened. The ranchers seem to be willing to cooperate to a greater extent than they did in the past. Undoubtedly those herds over there are very lightly hunted on the private land. I think the population, though, would remain rather high even if they were heavily hunted, because ordinarily the taking just of bucks doesn't hold down deer populations. It just gives room for that many more does to survive, which produce fawns which make a bigger population.

THE CHAIRMAN: Of course that is where our game management problem comes in, is to cooperate with the landowner because as pointed out most of the areas are posted and anyone who likes the sport of hunting has no opportunity to get out anywhere without being a poacher. I think that is what we are trying to solve here-- to determine what are we going to do by way of making a recommendation that will bring about or inaugurate a program of big game management that will be acceptable to the landowner as well as those who have the responsibility of seeing that the laws are

enforced.

MRS. DAVIS: I think, as I have noticed this program over a period of some ten odd years, that your major factor is your public relations program. I recognize that the Department of Fish and Game has been making terrific attempts to create a much better public relation program than you have had in the past, because in the past I think that your public relation program was nil. Nevertheless, I do feel that many people throughout the state feel that they are not--don't have the representation, shall we say that--on the Commission, because one must consider with all due respect to the commissioners that they all have their own interests, their private vocation, at stake, and they don't have sufficient time on a full time basis to give to the fish and game problems. That is a realistic factor, because it is impossible to even expect it of them. After all their main interest is going to be in their own respective personal fields. I think that if ranchers, cattlemen and every walk of life who in any way have connections with the fish and game problems, that would be the only way that you are going to create an educational program. I don't think that any game management program that you people throughout the state might be desirous of putting over is going to do it without educating all the people in all walks of life in each other's problems, because there are different problems with each individual respective field. We all see our own and possibly not the other man's. I think if all of us could work this thing out together and sit down and discuss it very thoroughly, we certainly wouldn't receive everything we wanted but there might be some compromises made that would be valuable to the over-all picture.

Some questions I would like to ask you are relative to the

special hunt that is going to be conducted in my District in Modoc and Lassen Counties, I think starting December 16th. Can you tell me do you feel that the recommendation in the number of animals that you are desirous of taking there in an antlerless kill, that that figure is correct as far as the deer population there is concerned?

MR. DASMANN: We feel that in both instances the number is justified.

MRS. DAVIS: Why have you recommended a special hunt in there. What was the factor involved there, do you feel?

MR. DASMANN: Two reasons primarily for asking for the special hunt up there--one is that in both instances their management plans now have been adopted which call for a division of forage between livestock and deer.

MRS. DAVIS: What publicity have you people given to the general public there as far as a constant program of you trying to work this out with the Forest Service, with the Bureau of Land Management. I talked to many, many people and I know that you have been working together, but as a rule the majority of the people do not know that. That goes right back to your educational program. The people do not know that you people are doing these things even though they are good and they warrant consideration. They don't know that they are being done. Then when you make any recommendation they pounce right on you, and that is why I think that even though you might be doing these things, you should give some serious thought to making this information available time and time again to the people within the state so they would know what you are trying to do. I know from talking to the constituents in that area that they don't know you are doing these

things.

I might say also that I am very much aware, and there is some justification for it--you try to approach these things realistically--as far as the opposition from some of the commissioners on the creation of an advisory board--and not because I was author of it, because if we find that it isn't the thing, well that's one of the things--but nevertheless, I do know that the Division of Forestry has an advisory board. I have specifically conferred with them relative to what they feel what value this advisory board has been to them. They feel that they couldn't work without it. I know the Department has been in opposition possibly, shall we say, on some percentage to an advisory board. On a trial basis I think perhaps we might look at it and give it a good try, so that people would have their interests represented on such a board to carry out the type of things that you are trying to do.

MR. DASMANN: It seems very difficult to reach all the people in an area--people that are interested. In both the Modoc and Lassen investigations there have been lots of newspaper articles, many meetings where the thing has been explained. But when it comes right down to ordering the hunt there are always people who don't know about it.

MR. DOYLE: I will direct this more to Pauline than I will to Mr. Dasmann. If this advisory board were appointed, in what way would they give this information to the general public up there. What medium would they use other than the press?

MRS. DAVIS: Now this is the situation. We all recognize that the Governor of the State of California cherishes very much, and he should, his appointive power. But if I were to introduce such legislation again, I would rewrite the legislation that he would

specifically have to make his appointments from these respective fields. For instance, the cattlemen's association throughout the state certainly are in the position to recommend to the Governor a qualified man for this specific board.

Now the way they would bring this news back to their people is, a member of the cattlemen's association--a key leader--is meeting consistently with people in the cattle business. They would bring the message to their people. Then small business the same way. They would be meeting with their respective organizations, you see, so they would educate them. It's an educational program that otherwise through publicity in any other way from the Department and the Commission that I don't think you are going to be able to put over.

MR. DOYLE: Thank you, Pauline. I asked you that direct so you could explain your program to these people here assembled. I don't think that they would quite understand how you were going to disseminate this information to the general public.

MRS. DAVIS: I think perhaps that the Commission and Department immediately felt that it was going to take some potent powers away from them or something, but that is not my concept in introducing the thought at all. The philosophy is for an educational and a good public relations program.

MR. DOYLE: I think that the time has arrived when we must forget this professional jealousy and everybody work together on these problems. I think there has been too much professional jealousy in the past, and I hope that it will shortly be eliminated because naturally the hunting and game management and all that should be changed as time goes on and necessity warrants it.

THE CHAIRMAN: I think that is a very good thought, Mr. Doyle.

However, I know you will agree with me that that situation has existed ever since Adam and Eve. We just have to continue to work in the hope that we will keep that balance and maintain that type of cooperation that we need for the benefit of all concerned.

I would like to ask Mr. Dasmann: When you decide on a control area where you are going to open the area, for instance, for hunting for either sex, first, do you make a survey to determine how many deer are in that area?

MR. DASMANN: In some instances we do. In other instances we go at it by an indirect method. In other words, if an area shows that the vegetation is browsed down to where there is not enough left for the animals to eat-- (interposed)

THE CHAIRMAN: So you have a fairly good idea on the count. Then you decide how many hunters you should allow to go in there. And usually the number you allow are considerably greater than the number of deer that you know, for instance, are to be taken.

MR. DASMANN: We try to allow more hunters in than deer will be taken.

THE CHAIRMAN: I am also thinking from the standpoint that those hunters that congregate--every hunter that goes in there wants to get results. Of course, a very small percentage of them actually come out with the game.

MR. DASMANN: On these special hunts usually it is a large percent that comes out with the game. It runs from 60 to 85 and sometimes 90 percent.

THE CHAIRMAN: Would it be possible that on some of these special hunts they actually reduce the herd to the point where it would be difficult for it to come back? I know that you have made these studies and so on, but there are many hunters who are

concerned just to that extent.

MR. DASMANN: I think that the Department tends to lean backwards in the other direction so that such an occasion wouldn't arise, because the reactions from the public from an overshoot would be of a nature as to set our program back for several years. On the other hand, we know that if the herd was overshoot it would be just a matter of a year or two before it would bounce back to former levels, because that has been exhibited on many occasions.

MR. PATTEE: Mr. Dasmann, don't you feel that we have nature way out of kilter right now? We've trapped every mountain lion you can, because in 1902 and '03 the oldtimers in Salinas Valley tell me there were very few deer. They used to ride out over there and they saw very few deer. Now they are seeing more deer than they ever saw in their lives, and they have trapped everything out of there, they have chased all the mountain lions out. Don't you think that nature could be way out of kilter?

MR. DASMANN: It is quite possible that the elimination of predators has had some effect in bringing about this increase of deer. I think it is true that in many areas of the state there are more deer there now than there were in primitive times.

MR. PATTEE: There are more deer now in Monterey County, the oldtimers tell me, than they have ever seen.

MR. DASMANN: I think a big part of the increase though has been due to man's influence on the environment. Man has made a better deer range in many places than existed in primitive times, and the deer have responded to it.

MRS. DAVIS: Do you feel that there is adequate deer forage in the uplands where I feel that the deer actually prefer being. In other words, I feel that the forage has depleted in their own

habitat, so therefore that is why they come down and bother the ranchers.

MR. DASMANN: Well I think that in most instances, even in primitive times, the deer wintered in the areas where the big ranches are. Naturally in settling the land the people chose the best areas and the best areas produced the most nourishing vegetation. That is where the deer tended to concentrate, particularly on those winter ranges in your part of the state. Because ranches have taken up a lot of those good areas it made a tighter situation for deer in the wintertime. In general the upland or summer ranges tend to be in pretty good shape and able to support what deer there are. It is usually the winter ranges in your part of the state that control deer numbers.

MRS. DAVIS: Don't you feel, too, that the lack of forage in the over-all picture for deer has more than one problem here. For instance, lack of moisture possibly in the last few years that we have not had like we have had in previous years, and possibly additional rodents and many things probably come into this over-all picture. So it isn't entirely--the entire blame should not be placed on the deer herd. I mean, there are many, many factors that come into this picture, don't you think so?

MR. DASMANN: Yes, many factors enter into it, but it boils down to this--if there isn't enough food there the animals are going to suffer and you are going to lose them. Until you have done something to bring back more food, if that is possible, you had better use the animals rather than to leave them die and waste out there on the range.

MRS. DAVIS: Mr. Dasmann, don't you feel that there might be some merit for the Cattlemen's Association to consider and very

thoroughly investigate the possibilities of stirring more interest in water development for their own grasslands so that their own stock would have more feed and then they possibly wouldn't feel so badly about deer coming down on some of their ranges? I know the ranges are depleted, particularly in my area, but it seems to me that some interest could be taken on the development of those grasslands through an additional water supply that would give the rancher and the cattleman additional forage and leave the stock right at home instead of placing them in a position where they have to send them to another part of the state for the winter months and then you see the deer that are left there certainly start eating on the little bit of forage that might be left. That creates a very bad feeling in the rancher's mind. So, I think there is an over-all program here that should be gone into to see what could be worked out.

MR. DASMANN: In many places that would help a great deal.

MR. DOYLE: Mr. Dasmann, through the years we have heard a great deal about a lot of the farmers not allowing you to trespass or go through their property to get where the deer might be. Now, does your survey show in the places so posted that the deer might be more abundant than they are in non-posted areas? The Hearst Estate, and practically along the whole coast, was posted for years and they wouldn't allow anybody to go in there and hunt. Is that an important factor?

MR. DASMANN: Our investigations show that on these places where deer are completely protected they react similar to deer on a refuge. They build up to certain numbers and then you lose them from one cause or another. On the coast it is apt to be disease losses which are tied in malnutrition. In these migratory herds

over here it is more apt to be malnutrition losses.

THE CHAIRMAN: Do you have any problems in connection with the controlled elk herds? There are a few ranchers adjacent to the refuge where these herds are--I am thinking particularly of the one at Prairie Creek--who are complaining about depredations and damages they suffer as the result of the elk. I know you have at least one other herd. Has any problem been posed by the elk?

MR. DASMANN: We did have a problem in Owens Valley on the Tule Elk herd that's over there. We sat down with all of the parties interested and arrived at a plan of management. This hunt that is scheduled for this year is the result of that plan. It seems like everyone will stay happy there so long as we abide by that plan.

MR. DOYLE: You spoke of the Tule Elk up around in Inyo County. Who are the ones who complain most up there? Was it the farmers?

MR. DASMANN: The complaints seem to be general. They originated primarily from the ranchers and they apparently have the support of most of the interests in the valley.

MR. DOYLE: What interest would you say?

MR. DASMANN: They have the Inyo-Mono Coordinating Council which is made up of the various business interests in the valley and, as I understand it, it was more or less the general feeling that herd should be reduced.

MR. DOYLE: I am still of the opinion that it is just selfishness on the part of a lot of those stock raisers up there.

MR. DASMANN: The stockmen in the area have agreed that if we abide by this plan they are willing to suffer the elk that will be there.

G. W. PHILPOTT, SPORTSMEN'S COUNCIL OF CENTRAL CALIFORNIA

Mr. Chairman and ladies and gentlemen, my name is G. W. Philpott, Fresno, California, and I am the president of the Sportsmen's Council of Central California, representing sportsmen's clubs of the San Joaquin Valley and coastal area of Central California. Mr. Chairman, I might be able to point out, by the time this is over with, that the deer is on the predatory list, the subject that I want to discuss. On September 19, 1954, our Central Council adopted the following resolution. I would like to insert here, for Mr. Pattee's benefit, that the resolution originated from our clubs in Monterey, to alleviate the conditions that he mentioned.

"WHEREAS: Section 1293 of the Fish and Game Code, State of California, states: 'Any owner or tenant of land or property that is being destroyed or damaged or is in danger of being destroyed by deer, elk, bear or beaver may apply to the Commission for a permit to kill such mammals. The Commission, upon satisfactory evidence of such damage or destruction, actual or threatened, shall issue a revocable permit for the taking of such mammals under regulations promulgated by the Commission. Mammals so taken shall not be sold, or shipped from the premises on which they are taken except under instructions from the Commission, and

"WHEREAS: The issuing of depredation permits is in most instances a great loss of meat and a loss of hunting, and

"WHEREAS: There are more and more permits being issued each year and usually the land owner does not permit hunting on the property during the open hunting season, and

"WHEREAS: The hunter, by helping the land owner reduce his crop loss would in most cases establish better hunter-rancher relations resulting in more land being made available for hunting, and

"WHEREAS: By allowing the hunters to take depredation deer, the meat would not be wasted, the deer would scatter and move farther away from the crops, thus reducing loss, and

"WHEREAS: The arranging of special shoots is an expensive and slow process and land owners do not receive the relief at the time it is most needed, therefore be it

"RESOLVED: That the Sportsmen's Council of Central California requests legislation to amend Section 1293 of the Code so that the deer referred to may be taken by the sportsmen.

"RESOLVED: That when a land owner applies for a permit to kill deer doing crop damage, the Regional Fish and Game Manager shall investigate, determine the damage and the number of killing permits that should be issued to sportsmen. This information to be published two days prior to issuing the permits in the local newspaper giving the time, place, number of permits to be issued and the land upon which the permits are to be used. The permits to be issued on a first come first served basis, and for a fee. Applicants must have in possession a valid hunting license. The applicant receiving the permit must then obtain permission to hunt upon the land of the owner. Deer so taken will be considered a bonus deer and will not change the hunter's status in applying for his regular deer hunting tags or for any other special deer hunts.

"RESOLVED: That the handling of the shoot and the issuing of the permits be done by the Regional Fish and Game Manager concerned.

"RESOLVED: That that portion of Code Section 1293 pertaining to elk, bear or beaver remain as written."

This resolution was subsequently adopted.

MR. DOYLE: I think we should go through this resolution before you go into your reasons. The only objection I see to this resolution is this--the two day requirement. Now, the only people who would be benefited there might be the people in the immediate vicinity, that is around wherever this farmer got this permit to allow hunting and kill off the deer right in that immediate area. I can see by this resolution that it would be possible for the land owner to not allow any shooting there during the open season. Then, after the open season will have been over or before the open season, he might make this request so that he could take care of a lot of his friends thereby creating a condition that is not very favorable to the hunters in general. I think maybe you should give this more thought. Maybe you have given it a lot of thought but just looking at it hurriedly here, I would object to it because I think if you are going to open up an area for hunting you should give everybody a chance. With the two-day limitation here you are not going to do it, are you?

MR. PHILPOTT: Mr. Doyle, this is a problem resolution. It is

not a special hunt arrangement or anything of that kind. As a matter of fact, the land owner may now do favors to his friends if he likes. He can also do favors to his friends during the regular season if he likes, so there is no point in being able to do a favor for a friend in August, whereas he can do it in July, we'll say for instance.

MR. DOYLE: If that condition still exists maybe that's the reason why in some areas we have so many deer and not in others, because they still could keep it closed regardless. As I said before in Mr. Pattee's area there's so much land posted there against hunting that perhaps that is the reason. Mr. Pattee seems to agree with me that's the reason for the increase in the herds there. I think we should work out some problem, some way so that if they open it up for one it is open for all on a percentage basis of the deer to be caught.

MR. PHILPOTT: I believe it would automatically fail. Now, that is just a personal opinion because we are speaking of a farmer in this particular case, this resolution.

MR. DOYLE: The reason I am asking these questions is this, that it is just for information for myself. It is not criticism of your resolution.

MR. PHILPOTT: Yes, I understand. Let me say this is for the benefit of a farmer, or 100 farmers, or 1000 farmers, but we'll say a farmer and that farmer has never permitted hunting on his property in the first place. As I say, this originated in Monterey County due to a condition that exists over there, yet he has a crop depredation and he wants and must have relief. At the present time now he can apply and secure a permit to go out and kill the deer, and just let them lay if he likes or whatever he wants to do with

them. As a result the sportsmen would like to see that little piece of land, or how big a piece of land he has, to go in there and take ten deer or the twenty deer or as you say maybe sixty in your area. It would never be in any case more than 100 deer on any one ranch, although it could be. Actually, it would be two, three, four, five, or six deer in a local area and that was the reason to bring it down to a local level basis, because if we can make this a law state-wide, then of course it is applicable all up and down the state, but John Jones farmer up here in Dunlap would far rather permit some hunters from his immediate area or from his neighborhood than he would from say Eureka or San Diego or someplace else.

MR. DOYLE: That's the point exactly right there, Mr. Chairman. The people who live in Fresno for instance, or Sacramento, or Los Angeles, who drive miles to try to get a deer in the open season, are precluded from even getting an opportunity to go in and shoot in those areas. It is left up to the farmer to say whether it shall be my friends from Salinas or whether it will be my friends from Los Angeles. I think it is very discriminatory.

MR. PHILPOTT. Mr. Doyle, the resolution does call for a drawing.

MR. PATTEE: As it is now, when you shoot these deer you either have to let them lie there or you take them into the County Hospital, I think, is what they tell me. Now, some of these men tell me they take these deer, to get them off their land, to the County Hospital. The County Hospital isn't using them and they were hauled over to the Sheriff's Farm, and they dumped them to the pigs. Now, it appears to me that something has to be done to shoot these off. There's no doubt about it. Maybe scatter them or get them out or shoot some of them off because they are doing a tremendous lot of

damage on the crops. But secondly, to just shoot these deer and let them sit out there and rot or to take them and throw them to the pigs is a disgrace.

MR. PHILPOTT: In your County they were throwing them to the pigs. I know that.

MR. PATTEE: Yes.

MR. PHILPOTT: Mr. Chairman, if I may finish this presentation because it answers some of the questions that have been brought up here.

Now this resolution was subsequently adopted by the California Wildlife Federation and Senate Bill 682 was introduced by Senator J. Howard Williams. The bill died in committee upon the recommendation of the Department of Fish and Game, on the basis that it should be considered in connection with an over-all game management program. For that reason, this Senate Bill 682 is herewith introduced for consideration by the Assembly Interim Committee which is considering the over-all program at the present time.

In the meantime, the Senate Interim Committee on Fish and Game did hold a public meeting in Sonora, California, on September 29, 1955, to hear testimony on deer depredation of agricultural crops, at which time Senate Bill 682 was introduced into the records as a solution to the problem, and to eliminate the objection to the issuance of permits under the present law. Testimony was introduced at that meeting by the Fish and Game Department that in 1954 there was a known record of 1,516 deer killed under the depredation permits. That is 1954 and that is the actual count. This figure was increasing alarmingly and institutions did not welcome that excess amount of wild meat. I recopied the bill so that you could see it if you like, but it was introduced and we didn't

attempt to argue to have it pushed through, because we realized that Mrs. Davis and others were interested in an over-all state-wide program. We thought we would just let it ride now and put it in next time because I was amazed at this meeting in Sonora.

I might again tell Mr. Pattee that one of the active sportsmen in our clubs over there was kind enough to come all the way over from Monterey to testify before the Senate Interim Committee in Sonora. The place was packed. I never saw such a crowd in such a small town. It seems as if all of the ranchers were up there, and there are not too many, because testimony was given over and over again that Tuolumne County depends upon tourists for our economic existence. There is a little mining and a little farming, but tourists and recreation are prime items. There are a number of farms up there and apparently the land owners are not aware of the existence of the depredation section of the Code book that allows them to kill deer. Game wardens, in most cases, have actually talked them out of it. So what brought the meeting to a head up in Sonora was the fact that one rancher with 32 acres of alfalfa had received three permits to kill 75 deer of which he had killed 65.

When this resolution was first presented it didn't affect me very greatly, because inquiring locally I found that in this region only a handful of permits had been issued. However, when I found down in Monterey the tremendous number of permits that had been issued, and then state-wide, I was amazed. Now they have learned here in the San Joaquin Valley, and particularly in Tuolumne County, that they can go out, because there were about 14 farmers who got up and testified that their places were overrun with deer; so therefore, if they had known they would have gotten these permits a long time ago and slaughtered the deer. They

thought they couldn't get them so easy. There was no objection presented to the bill as we discussed it up there at Sonora.

MRS. DAVIS: Mr. Philpott, as a rule in talking with the different ranchers, I find they don't care to have the total responsibility of killing the animals and making application for the permits. Do you find that the case in your area?

MR. PHILPOTT: That is true. I believe most of the farmers that I have known regret that they must revert to that. The farmer who had killed the 65 said he walked around the ranch three days trying to make up his mind to go out and shoot the deer. He finally looked at the alfalfa all going and then did it, but he said I have been a sportsman all of my life--and he was a young fellow--but he said I just had a hard time making myself do it but I felt that I had to do it.

MRS. DAVIS: On what basis did the Department of Fish and Game specify to you people, when you sponsored this bill that Senator Howard Williams introduced, relative to having a set up such as the bill involved for the shooting of these animals on a lottery system, so to speak?

MR. PHILPOTT: Mr. Glading stated, before it was actually presented to be drawn up into bill form, that the program was workable, if we thought it was a good thing they would go along with it--not necessarily promote it--but go along. At the Senate Fish and Game Committee hearing on the bill Mr. Glading then got up and actually opposed it.

MRS. DAVIS: On what basis?

MR. PHILPOTT: Because there was a program of state-wide game management and this might interfere with the over-all program.

MRS. DAVIS: In other words, it would off-balance?

MR. PHILPOTT: It might.

MRS. DAVIS: Is that possibly what they had in mind?

MR. PHILPOTT: No, I don't believe so. I think what he had reference to was that it might be a little pain in the side for an over-all game management program. Now, Mr. Dasmann may be able to add a little to that.

MRS. DAVIS: Yes, I want that pain in the side explained to me because I want to know if they are consistent here with their program.

MR. PHILPOTT: No, they are not, not as far as this was concerned.

MRS. DAVIS: That's right. Mr. Dasmann, can you tell me what position you took on this specific piece of legislation of Senator Howard Williams'?

MR. DASMANN: I am not aware of the exact position that the Department took on this bill.

MRS. DAVIS: Are you, Mr. Shannon?

MR. SHANNON: I am a little bit more familiar with the bill, although I don't know all of the details. I will be glad to try to answer any questions.

MRS. DAVIS: Well, you give me your opinion and then I will ask you, Mr. Shannon.

MR. DASMANN: If I had been asked about it though I think I might have taken the same stand, in that we feel that if either sex hunting is allowed all over the state on this unit basis, it will tend to reduce the number of deer that are crowding in on the ranch lands, because they are the ones that are apt to be the first shot under such a program.

MRS. DAVIS: Mr. Dasmann, do you feel that you are going to be

able to sell that philosophy to the people of the State of California immediately to give some relief to the ranchers who are having an immediate depredation problem?

MR. DASMANN: I don't know how long it will take to sell the program but the ranchers at the present time do have this other method of relief.

MRS. DAVIS: I recognize that, but they are not too happy with it. As a rule a rancher is not too happy with shooting deer on his property. I have found that to be the case, at least the ones that I have discussed that with, so don't you feel that possibly a system of this kind might be workable and the answer, until such a time as maybe an over-all program is adopted, if that is the thing that is going to become a reality?

MR. DASMANN: Systems similar to the one proposed have worked in other states. In some details they vary. It should not be an inflexible type of thing though, because there are many places that you wouldn't dare open to hunters--closely settled areas of five or ten acres, orchards--you wouldn't dare have hunters go in there and hunt for fear that wild shots might go through the buildings and kill or injure livestock or people. Whatever system is adopted it should have both provisions in there that in one instance the rancher might be allowed to shoot them, if that seemed to be the wisest, and in other instances perhaps sportsmen could go in there.

MRS. DAVIS: Well, if the sportsmen were screened and if there were just a certain number of permits that could go within this small ten-acre area, wouldn't that protect? Certainly the hunter going in there would have respect and regard for stock on that area, would he not? Don't you feel that he would if he had knowledge of the small area that was involved there? It seems to

me that you people in one breath say that even if you overshoot the herd they'll bounce back, but still when you present something, then you don't feel that should be the case. I can see where you think that possibly it might set something not in key balance. I am just wondering in the over-all picture if you are being as consistent as you think that you are. That's my point.

MR. CASEY: The permits are to be issued on a first come, first served basis and then you say by lottery. Now, how do you mean that? First come, first served would seem to me that the first ones there would be the ones to hunt.

MR. PHILPOTT: I made an error. I was under the impression that the resolution did call for a drawing but it did not, because there are many cases here where there will only be three deer or five deer, and as I said in the beginning, I don't think there would ever be a case where there would be as many as a hundred deer, although it could happen.

MR. CASEY: I think Mr. Dasmann partially answered my second thought there, that a small area to force the farmer, where there are only a very few deer involved, to allow the hunting in there with high powered rifles, especially if he is a stock grower, would meet with objections, I believe. I know from experience of some of the dangers from a program such as that.

MR. PHILPOTT: That is true and, as a matter of fact, it is probably why his property is posted today. Of course, on the other hand as was brought out up at Sonora, the farmers themselves said that they were, in some areas, refrained from shooting the deer themselves because they were a little bit in fear. That is why we have the proviso in there that the hunter must still ask for permission. Now, the reason that was put in there, and I

believe that applies to almost all public hunting as far as that goes, so that an obnoxious character--for instance, somebody who drives up and says I have a permit to shoot on your ranch and let me in here, and he is half drunk, why the land owner would still have the right to say that he is an obnoxious person and turn him down. That's why we put that proviso in there so that the farmer still can say he doesn't like this or that character.

MR. CASEY: He has some control over it?

MR. PHILPOTT: Exactly, that is what it amounts to.

MR. DOYLE: Mr. Dasmann, this depredation problem has been before us for years. We have this bill presented by Mr. Williams and they objected to that. Mr. Lowrey has been talking about depredation up in his area for any number of years. Why is it taking so long for the Department to resolve it and bring about some kind of a state-wide program so that this could be taken care of? The problem is here and the only thing would be to sit down to a round table discussion for probably a couple of hours with the farmers and the sportsmen and say here's the kind of legislation we want.

MR. DASMANN: Of course, the problem has been increasing and it is worse today than it was a year ago or two years ago.

MR. DOYLE: Naturally, because there is so much posting. It should be resolved by the next Legislature and some type of legislation presented to take care of this problem.

MR. DASMANN: At the present time, where the problem is of a large nature, the Commission has been ordering special hunts in areas to allow sportsmen to go in and shoot the animals. Where the problem is of a small limited nature, they have been issuing the permit to the ranchers themselves.

MR. DOYLE: Now, a deer that is killed say up in Mr. Pattee's area. Must it only be given to the hospitals in that area, or can it be shipped to some area outside of that district?

MR. DASMANN: The deer is disposed of by the warden to charitable institutions. It wouldn't have to be in his area. It could be where the need was.

MR. DOYLE: Inasmuch as we see here that there are so many of these deer fed to the hogs, why wouldn't it be much better for the warden in that area to make some kind of an effort to get it out someplace where it could be used for food?

MR. DASMANN: I don't think that is typical, the deer being fed to hogs. That is an unusual case, rather than the general rule. Usually the animals are used by the institutions to which they are given.

MR. DOYLE: Regardless of whether this is just an isolated case or not, I think it is deplorable that they would kill these deer and then feed them to the hogs. I think some effort should be made to get them to these institutions where they can be appreciated.

MR. DASMANN: I agree with you, Mr. Doyle.

MR. PATTEE: I am convinced that this resolution or a form of this resolution has to go through and it is going to have to be backed by the Fish and Game Commission and your Department. This thing has been going on for years. I know of tremendous damage that has been done in my county, and when the rancher has gone out and shot these and taken them in by the truckloads, they couldn't handle them and they didn't know what to do with them. Now, the only answer is to open this thing up as this resolution says. Now, I don't know why the Commission and the Department went against it

before, because I know for a fact that this is the only way we are going to handle this situation. It is a very serious matter. There's tens and hundreds of thousands of dollars worth of damage being done over there and I think that this hits it right on the head. I certainly hope that the Department will not feel that it is going to interfere with their game management programs. I have watched the Department come in and go after various bills before, such as the one that Mrs. Davis had on an advisory deal. Now, it appears that they didn't want to go along with this, which is a very fine resolution, and I sincerely hope that the Department will take this into consideration. It is a very serious thing in my district and no farmer wants to go out and shoot deer and let them rot or to see them hauled off and fed to hogs. I seriously think that this is one of the major things that your Department has to get its teeth in and they should certainly play 100% with the various sportsmen's organization like Mr. Philpott represents in this matter.

MR. DASMANN: My one suggestion is, if a bill of this nature is adopted, that it be flexible enough to take care of situations as we find them in Marin County, in the residential districts, or down around Glendale or Los Angeles where you wouldn't dare allow hunters to go in.

MR. PATTEE: In a district where you have an intelligent warden and you have a farmer go to him, he can certainly handle the situation so that he isn't going to allow an army of men in there to let loose with 30.06's in a small range, if he has any intelligence at all.

MRS. DAVIS: Along the line with Mr. Pattee, it seems to me that the Department should not feel, if someone else comes forth

with a possible solution or suggestion, that because it is not their first thinking and philosophy they are not going to support it. For instance, this advisory thing. You would have a biologist as a representative on there and it seems to me that would be one way to work out some of these problems. I find that the Department has been critical of certain pieces of legislation and I think that they should take a good look and recognize that even their salaries are being paid out of fish and game licenses. We should try to work out a program on a cooperative basis and I don't think the Department has actually tried to work out some of these things with the people and, as a matter of fact, with many of the legislators.

CHAIRMAN BELOTTI: I would like to make an observation also along that line. Here we are considering introducing legislation to make it possible for ranchers, after the Department has determined that the depredations are real, that the sportsmen be given an opportunity to go in there and hunt and kill the deer. We know that they are permitted to do that now themselves, and I understand that the privilege is limited to the permittee, is that correct?

MR. DASMANN: Or his employee.

CHAIRMAN BELOTTI: Or his employee. If he had a friend who felt he was a sportsman he could be granted permission to go in there and do some hunting for him, could he not?

MR. DASMANN: I don't think so.

MRS. DAVIS: No.

CHAIRMAN BELOTTI: All right, I think that certainly needs some attention and some very serious consideration. I also want to go along a little bit further. I think that we must be very careful,

and the sportsmen I think should be careful, in encouraging a situation whereby--and I say this without any hesitation--everyone who owns any property, any ranches anywhere in deer country, and who is suffering some depredation--and we might be faced with a situation of having all of us insist, if we are not in favor of deer, if we feel that we are being damaged by a few deer visiting our land and perhaps damaging some flowers or something that we perhaps value--is going to get permission for the sportsmen to go in there and kill them, and then be faced with the situation of saying look, we want you to protect those deer because the herds are reduced to the point where we can't find anymore when we go hunting. Now I know any number in my district who tell me the deer come in and they're damaging the crop. What can you do about it? I say there is nothing you can do about it. If the damage is such that you think it needs some attention you just take it up with the Department of Fish and Game, with the warden, and he will look it over and perhaps you can get permission to shoot those animals that are damaging the crops. I think we should go very carefully and consider both sides of this because we can find ourselves certainly in the position of having the sportsmen asking the land owner in effect to say, we want you to work with the idea of declaring the deer a predator. He's very happy to be prepared to support any program that will say the deer should be on the predatory list and I represent a lot of big ranches up in my district. I don't say that Mr. Pattee's situation should not receive very serious consideration to be corrected, but I also say let's try to maintain that balance that the sportsmen want to maintain so that this hunting situation will not be deprived entirely.

MR. DOYLE: I think most of us in our presentations before

these committees talk about conservation. Well, now, tell me what does conservation mean? Does conservation mean that if a deer is destroying property you can go out and kill it, but you must turn it over to the hospitals or someone who doesn't want it so they can let it rot and feed it to hogs? Is that conservation? I think conservation means conserving these animals for food, principally, and sport. It's no sport to go out and put a lead slug in a deer, let it lie and then feed it to the hogs. I think we should keep all of that in mind and try to bring about some over-all program, as has already been presented by Mrs. Davis, to see what we could do along those lines. I think that's what we should keep in mind principally. Conservation for the hunter who shoots the deer for food and for the sport of getting it.

MRS. DAVIS: To further the statement that you made relative to this deer management problem, I, too, feel that we shouldn't allow any specific interest which we have, for many, many years, have their way for a while and then swing back and let the other group have their way for a while. Then we are swinging back to the other system. Until all of these people have an opportunity of coming together and learning each others problems, you're just going to have that swinging constantly. I am sure of it because I have watched it for ten years and I think that it is very, very important that we all take a good look at this over-all picture.

CHAIRMAN BELOTTI: Were you through, Mr. Philpott?

MR. PHILPOTT: I have two more items which are not on the agenda and if you want me to bring them up at the end of the meeting, I can, or now.

CHAIRMAN BELOTTI: I think you should bring them up now, Mr. Philpott.

MR. PHILPOTT: No. 1 is very simple, I received a telephone call this morning from Porterville. We have two Taylor Grazing districts in the State of California, one up North and one down South. There is an advisory committee, and the wildlife representative on the district in this area, which I believe is in San Bernardino, San Luis Obispo, Monterey--it covers a tremendous amount of area, perhaps mostly in Kern County and Tulare and over into Inyo-Mono--is the president of the Southern Tulare County Sportsmen's Club. We selected him and recommended him to Mr. Hoffman of the Bureau of Land Management and he was appointed because of his intent interest in deer management in the State of California. He is in a position, you might say, to roam around and look over the deer situation so he knows of what he speaks. He wanted to know where your next meeting was. He was sorry he couldn't be here, but could there be, before you draw up your legislation, a meeting possibly down in Tulare County, someplace down there, maybe Porterville, for the sportsmen there. We have so many clubs in the area, they would sincerely appreciate it. Not tomorrow or the next day, but six months from now or anytime before you draw up your legislation. I would like to suggest that you might give some consideration in that respect to the little town of Kernville, which has all the facilities that anybody needs and is a tremendous recreational area. They have a lot of deer problems. They have elk problems too, and our club in Kernville is very active. Then just on the other side of Walker Pass we still have some more very active clubs who are affiliated with our Central Council in China Lake and then on down into Kern County. We have a tremendous amount of people who are active and it is almost impossible for them to get up here on a weekday but they probably could from Kern, Tulare, even

San Luis Obispo, because it is only about two hours from San Luis Obispo.

MR. DOYLE: I agree with you about Kernville, because I am pretty familiar with that country. What was our lower ranch up there is now under water with the Isabel Dam.

MR. PHILPOTT: Last night, Mr. Chairman, at the meeting, I was approached by one of the directors of the Fresno County Sportsmen's Club on a program to submit to you and it does concern big game management. Unfortunately, we did not have time to sit down and draw up any sort of a resolution. We will do that, but in the interim, we want to present the problem to you and bring it out to you because it happened right here at home, although it happens all over, actually as far as that goes but it was just the other day. The gentleman who is the director from one of our foothill localities is here to add to the problem if I cannot explain it adequately. We did have a tremendous forest fire here, I believe 13,000 acres in what they call the McGee burn, and the sportsmen are extremely anxious to see that the lands are rehabilitated wherever we have fires, whether it's the McGee burn or Monterey or San Luis Obispo or Santa Barbara. Our Santa Barbara and San Luis Obispo clubs are working on the same thing. It seems as if there are two things there, actually we didn't lose too much wildlife, maybe we opened up some deer habitat, I don't know. I couldn't say that for sure, but we did destroy a lot of real valuable timber. Among other things the erosion that started yesterday with these rains is just going to completely fill up our spawning beds on our King River for our trout. I have to bring in trout because it is an over-all picture and we are extremely anxious to see that the range is rehabilitated at the earliest possible moment. Time is of

the essence on these things because by not having it taken care of now the rains came and we have erosion. Next year it will help, but it will be too late. We find that there is a tremendous amount of red tape. The sportsmen's club here in this county was in a position to help out financially, but due to certain red tape within the U. S. Forest Service, they were all prepared to sow the seed and do the work and something happened and they couldn't do it. We would like this Committee, Mr. Chairman, to present a resolution to the Secretary of Agriculture, if that is the proper place, to see if we cannot do something to speed up this range rehabilitation program where we have these burned over areas.

CHAIRMAN BELOTTI: Are they privately owned?

MR. PHILPOTT: Oh, no, it is all forest service. I am speaking only of forest service land. We had a good example of the efficiency and the effect of a resolution where our sportsmen's clubs surrounding Yosemite Park had wanted Yosemite Park opened for fishing simultaneously outside. They had never been able to do much about it until the Legislature passed a resolution and it was opened the following year, so we believe that a little official recognition by the State of California to the Department.....(interposed)

CHAIRMAN BELOTTI: Have your local representatives taken any action here to contact the officials in Washington or the proper agency in the federal government?

MR. PHILPOTT: I personally contacted the local forest supervisor in Porterville.

CHAIRMAN BELOTTI: No, I mean your local representatives, the legislators?

MR. PHILPOTT: No, because this just came up. It isn't

anything new, it has been going on, but it has just come up here recently.

MR. DOYLE: I think Mr. Philpott should be apprised of the fact that we have a Soil Conservation Committee and I think they would be the proper ones with whom to take this problem up as far as erosion is concerned. We could make recommendations to them, but we wouldn't want to usurp any of their authority or activity you see. I think it might be better if you prepared your resolution and sent it to Mr. Belotti, and he in turn could send it on to the Chairman of that Committee. There you would get action because they are authorized by resolution to act.

CHAIRMAN BELOTTI: I feel that the proper action for the sportsmen's club to take would be to take it up first with their local legislators. They will cooperate with them and see that the proper agency of the U. S. Forestry Department are contacted. I think we would be circumventing the procedure if this committee took that action at this time.

ASSEMBLYMAN WALLACE D. HENDERSON, 32nd ASSEMBLY DISTRICT

MR. HENDERSON: Well, I think what we should do is to take it up with you, Mr. Hansen and I. We should certainly take it up with the Congressman and sit down and work out a detailed program and then keep the committee informed. If they can assist us in any way or the Department of Fish and Game, we can also have their support on whatever program we develop among ourselves between the federal legislators and Senator Burns and the other Assemblymen in the district.

MR. PHILPOTT: Thank you Wally. Mrs. Davis, we did not intend to try to rush you into a resolution. As I said in the beginning, this just came up last night and I personally had been working on it.

With your permission may I ask the gentleman here who is a director in our sportsmen's club from the area concerned if I have covered it adequately?

WILLIAM M. CLINGAN, ORANGE COVE

MR. CLINGAN: Mr. Chairman, members of the Committee, I was appointed by Mr. Philpott, the president of our club, to try to organize and get this re-seeding done or at least to help in any way we could with it. We had great difficulty in getting accord from the Forest Service. They seemed to have a system where they were supposed to put in certain types of grass or something. At any rate, we couldn't get any O.K. from them. Finally, though they did say that they needed \$150, I believe, and the sportsmen's club appropriated \$200. Fish and Game offered to put up types of seed which, according to the forest supervisor, didn't seem to suit their particular territory program or something. Consequently it died at that point.

MRS. DAVIS: Possibly some of you are aware of a terrific fire we had in Siskiyou County this summer. I do feel that your local legislators are doing a fine job and can help you tremendously, but I think your key individual in this problem, since it is a federal one, is your Congressman. I know by working with Congressman Clare Engle that we both recognize that the only way to accomplish this situation and make some changes is by changing the policy of the United States Forest Service on control burning and reseeding these lands. We also recognize that the most important time to reseed these lands is at the time when the ashes are actually warm and their policy has not been that for a period of many, many years. This is a federal problem.

I do feel that the State Legislature when it convenes certainly

is in a position for someone to introduce a resolution and have it adopted by both Houses and send it back to Congress. Nevertheless, I do want to mention to you that many times those resolutions are ignored and they are of no worth. I think that your Soil Conservation Districts, your sportsmen's groups and different individuals and organizations such as that should work very closely and thoroughly with your Congressman. I do feel that your California Congressmen have recognized the problem of the necessity of changing the policy of the Forest Service. I think that is the only way that we can correct this situation.

Now, your State Division of Forestry is of the opinion that they are in favor of control burning and reseeding and I think they have cooperated along with this program. I think that, again, the only way you are going to change it is by changing the policy in Washington.

MR. DOYLE: Mr. Henderson is on the Soil Conservation Committee, which is a very important committee. I think you people right here have a man that knows his way around and he'll certainly go to bat for you inasmuch as he is on that committee and you should take your problems up with him.

CHAIRMAN BELOTTI: I think that if it were left in the hands of Mr. Henderson and Mr. Hansen, and then if the determination is that this Committee can be of further assistance, we want to do that. We want to cooperate with you in every way.

MR. CLINGAN: Thank you, and I want to say that I agree with you especially in the change of policy.

CHAIRMAN BELOTTI: We would like to have you identify yourself for the record, please.

MR. CLINGAN: William M. Clingan, Director, Fresno County Sportsmen's Club.

CECIL PHIPPS, PRESIDENT, FRESNO COUNTY SPORTSMEN'S CLUB

Mr. Chairman, members of the Committee, my name is Cecil Phipps, president of the Fresno County Sportsmen's Club and our members join me in thanking you and your committee for this opportunity to testify with reference to Big Game Management in California.

For the good and welfare of the wild deer in this State, a program of sound game management should be inaugurated at the earliest possible time. Regulations should be promulgated in their simplest form for public understanding, execution and enforcement. They should be flexible and the ultimate goal must be approached over a period of time to be accepted by the sportsmen. The system should be workable with the minimum amount of personnel and expense.

There appears to be no good reason for the creation of any special big game board or committee. The necessary power should be delegated to the California Fish and Game Commission to enact the necessary regulations.

In presenting the following proposal, the dates given are more for the purpose of explanation than for adoption as they should be worked out very carefully with wildlife officials. I might add this is entirely our own proposal and that the Department of Fish and Game was not consulted at any time. Secondly, only the inland deer are referred to so adjustments will be necessary to include the coastal deer.

(1) The buck deer season to be fixed by Fish and Game Commission as now provided by law.

(2) Enumerate, name and locate the various deer herds. Allocate these deer herds to the existing five regional fish and game regions.

(3) Assign Unit Game Managers to herds with responsibility for their welfare. Some regions may require more than one Unit Game Manager because of many different herds or difficult terrain. (No intent to create additional biological positions.)

(4) On the Monday or Friday nearest the First of August, Unit Game Manager to submit to Regional Fish and Game Manager recommendations for surplus deer harvesting by hunters.

(5) On the Sixth day after receipt, recommendations to be submitted to the Fish and Game Department Headquarters Office in Sacramento with Regional Manager's comments if any. (It is to be made public that data is on hand at Regional Office for comment by those interested, this being the first appeal, although those interested may work with the Unit Game Manager.)

(6) On the Second (possibly the Third) Friday in August, Fish and Game Commission to hold public meeting and adopt regulations for the harvesting of the surplus deer as recommended. (This being the second and final appeal for those interested.)

(7) The Number of Deer Stamps with herd designated to correspond to the allowable harvest made available at Regional Fish and

Game Office to be distributed for a fee, either by application and drawing or by first come first served, whichever is practical. Stamp to be affixed to hunter's unused "B" Deer Tag, and tag and stamp to be attached to the antler or the ear of the deer taken in the post buck season.

Time is the essence in sound big game management, that is to say allowing the Unit Game Manager ample time to evaluate the fawn drop as a basis of his cropping recommendations and time of hunting season.

That is the substance of my testimony. Basically, we feel that the department has capable personnel that actually, if permitted, can manage our deer herds to our best advantage. We also feel that the deer cannot be managed from Sacramento. They cannot be managed, necessarily, from a commission meeting or anything of that nature. It must be a grass roots job. It must be right down in various areas as sub-units, units, herds, what have you. This actually gives a large amount of leeway to the department. We feel that the people are definitely interested in the welfare of the deer have two opportunities, to maintain some kind of control over the amount of surplus animals that may or may not be harvested. That first one, and the most important one, would be at the local level. If we have a certain segment of this particular country here where the department says they propose to harvest 300 extra animals, we, of course, would be informed about it and we would have an opportunity to make our objections, our recommendations, or anything of that nature, at the local level before it reaches the Commission. I can visualize possibly in five years that the Commission meeting might boil down to a rubber stamp affair. Basically, that is the essence of this thing. We are confident that deer cannot be managed in large territorial areas. They must be managed by herds and the only way to do that is to do it from year to year with adjustments made according to the winter carry-over, according to the fawn drop and things of that

nature that are pertinent to the welfare of the deer.

MRS. DAVIS: I think Cecil and I have gone over this quite thoroughly during the legislative session. Actually you are managing hunters also, aren't you?

MR. PHIPPS: In a certain sense. One important point that I didn't elaborate on enough is the fact that we don't want anything to jeopardize our long buck season because we feel that provides a maximum amount of recreation. We were instrumental in securing the additional week this year. We had asked for two, one on the beginning of the season. We didn't get it, but we feel that the buck season provides the most return to the hunter and in a sense it is not too awfully important whether he is successful with game in the bag or not. The special shoots, if any, for each particular little locality could be held at the last week or the last two weeks of the regular season and the surplus animals that are needed to be removed from that particular herd could be taken at that time. Frankly, we think this is so simple that it should work.

MRS. DAVIS: Your game manager who is connected with the regional office is the one to whom you would give the responsibility for the recommendation on game, under Subsection 3 here. Now, as I understand it, your game manager under the regional setup is a biologist.

MR. PHIPPS: Yes, he could be termed that.

MRS. DAVIS: I certainly have respect for the knowledge biologists have, and I know that a certain amount of it is very necessary, but do you think they are also going to take into consideration the practical approach to this thing? Are you willing to give the entire responsibility to one man to make recommendations on a herd?

MR. PHIPPS: With the proviso that that man's recommendation can be thoroughly evaluated by the people in the community most interested in that herd, not people in Sacramento or in your district. I don't think you are primarily concerned with what we have down here, in Monterey or anywhere else.

MRS. DAVIS: I am concerned about the over-all picture.

MR. PHIPPS: If he should come up with a request that we harvest 300 extra deer and the people in that community are so violently opposed to it, he should certainly withdraw his recommendation. I think the regional manager, for that particular territory, would see to it that it was revised. I don't think, as controversial as deer management is, that any of our local boys would want to be tarred and feathered and it just might happen.

MRS. DAVIS: Would you be desirous of this game manager holding a public hearing for that specific locale so that the people could voice their opinions?

MR. PHIPPS: In the sense that it wouldn't be the time consuming and expensive procedure that it is now. In other words, there should certainly be meetings. The local regional office should notify the public through the medium of the press. Incidentally, we are having a meeting such as that at the end of this month here in Fresno to think about new regulations. The same thing could be done with this. At this time we want to hear everyone who is interested. This is what we propose to do - come and let us hear from you.

MRS. DAVIS: Whom do you mean by "we"?

MR. PHIPPS: The Department.

MRS. DAVIS: You believe in a good public relations program with the Department of Fish and Game. Do you think that you are

going to establish one by this method?

MR. PHIPPS: Yes, I believe so. I don't think this program is going to permit us to harvest any 200,000 deer in California next year, but I certainly think it will five years from now. I feel that there are segments of California that are not prepared to accept harvesting antlerless deer; however, tremendous progress has been made in even the last two years along those lines. I think this program will be very receptive to a large portion of California. At any meeting of any type you will always find individuals, and in some cases minority groups, who will object to most anything. It still has to be evaluated in the democratic fashion.

MRS. DAVIS: If you feel that the game manager is the individual who could create this good public relation feeling, he certainly would have to also have the qualifications of a good public relation man and not only a biologist, wouldn't he?

MR. PHIPPS: It would be very helpful.

MRS. DAVIS: I would think that it would be a major factor. If you are going to consider and leave the responsibility with this man, and that applies to the regional managers, as I recall when this regional program was set up, one of the specific qualifications within that legislation was that the regional manager was a public relations man. I find, with all due respects to all of the fellows, that that does not apply to all of the five regional managers. Now, some of them are fine, but that specific qualification does not exist among all of them. Now, if you are going to give this much power and authorization to the game manager, he, too, should have that specific qualification. This problem is a very emotional one, and how are you going to put it over to

the people if he doesn't have that qualification, plus his other qualifications?

MR. PHIPPS: Perhaps we are very fortunate in our own regional office for the caliber of men that we have here. I have worked with the biologists, as they are termed, for several years and I find that we get along very well. Basically we are in agreement.

MRS. DAVIS: But that might not apply throughout the entire state, if you are going to sell this program that you have in mind.

MR. PHIPPS: I am well aware of that, and the safeguard that we have attempted to put in there is the first recourse at the regional meeting and the second at the Fish and Game Commission hearings. I am attempting to emphasize the fact that this cannot be put into operation tomorrow, but I do feel that the basic place to manage deer herds is right down where that game manager is out in the field evaluating those herds. He is a trained man and he is the one who should recommend the management program of that herd. I have every confidence that they will be conservative in any initial attempts on this thing, as they certainly are not going to stick their chins out.

MRS. DAVIS: Is he going to place himself in a position where he will also confer with the warden in that specific local district to see what the opinion is of the warden, or is the warden going to be left completely out in the cold on this thing? He is a field man too.

MR. PHIPPS: No one is going to be left completely out, that is not the intent. The actual intent is that everyone will be consulted. While I realize that you might find some arbitrary personalities within the Department, basically on the whole we think the program is sound.

MR. DOYLE: Do you not think the game warden could do all of these things that you are proposing on public relations?

MR. PHIPPS: I think the game warden has enough to do.

MR. DOYLE: I will agree with you there, because of the few game wardens we have. If you put another man in there, why not put him in as a game warden so you would have more protection, instead of setting up another feather-bed job?

MR. PHIPPS: We have the game managers at the present time. In our particular locality they have made extensive studies of our deer herds.

MR. DOYLE: Would this game manager you speak of be a state employee under civil service?

MR. PHIPPS: Yes, sir. He is now.

MR. DOYLE: Do you agree with Mr. Philpott's resolution here?

MR. PHIPPS: Basically, yes, because it would accomplish something that is of immediate need. I feel that this program would solve 75% perhaps of the depredation problem. Now, this is based particularly on the Sierra side of the mountains. I haven't mentioned the coast side. The actual mechanics and things of that nature would have to be worked out along these lines, on a regional basis, on a locality basis. The private holdings over there at the present time do not permit hunting, and the reason they don't is they don't want the public running indiscriminately over their land and breaking down their fences and that sort of thing. If their land could be hunted on a controlled basis, that is the deer removed during the regular season, by and large you would find a great number of the land owners would be willing to have a certain quota of men come in and take a certain number of animals. I believe it would have the effect of helping this depredation

problem. However, that resolution possibly would solve the immediate need until this program could be put into effect.

MR. DOYLE: I have often wondered, since there are so many sportsmen's clubs, if it wouldn't be well for them to screen their members before they allow them to come into the club and see if they are the type who will just overrun a man's property, cut the gates and leave them open and shoot the hogs and cattle. In the event there was any open season, wouldn't it be a better public relationship if some of your members could be recommended to these farmers and the club stand the responsibility if they do anything, - say under a bond issue or something like that?

MR. PHIPPS: We have from time to time made available a form of insurance for protection.

MR. DOYLE: I think that is a step in the right direction. Just because a man goes out and buys a hunting license, that doesn't necessarily mean he is a sportsman.

MR. PHIPPS. It is an unfortunate fact that members of sportsmen's clubs number only about 10% of the licensed hunters.

MR. PATTEE: You appear to be interested in big game management on the local level. An advisory board consisting of representatives from the cattlemen's association and the sportsmen could advise the Department on how they feel on these things. Forestry has an advisory board and there is one on your real estate, and they do a tremendous job. Why are the people so wildly against a locally appointed advisory board?

MR. PHIPPS: We are not particularly opposed to the advisory board. We are becoming dollar conscious in our sportsmen's clubs. The main topic of the meeting last evening was the budget of the Department of Fish and Game. We don't want to see any unnecessary

money spent and we didn't feel that the advisory board was going to particularly help the game management program as we envisioned it.

MR. PATTEE: You have served on a lot of boards, I presume, like County Planning Boards and Grand Juries, where you never got a cent. I know I have served on a lot of them and I was very glad to serve on them before I became an Assemblyman. I think you could get some people from your group, and from the Cattlemen's Association, who are tremendously interested in this who would be only too happy to serve on an advisory board on big game management.

MR. PHIPPS: I think that is true and if it could be worked out so it doesn't add any \$25,000 or \$50,000 per year to maintain this board, then fine and dandy. On the other hand, I dislike to see it called an advisory board. I would much rather see it referred to as the Big Game Committee.

MR. PATTEE: I would be very glad in the bill to word the way it would be acceptable, because I don't think anybody would care if it were called advisory or big game committee.

MR. PHIPPS: This would be approximately five members from throughout the state and the fact that it represents the various segments interested is very, very good. As Mrs. Davis pointed out, the Cattlemen could take the problem home to their people. On the other hand, we are attempting to emphasize the fact that you can't manage game on a hard and fast rule for the entire state. We feel that if a big game advisory board were acting in an advisory capacity, and everything had to clear through them, perhaps, before it reached the commission.....(interposed)

MR. PATTEE: I feel it should be broken down on a local level.

MR. PHIPPS: Well, I do too. We certainly are in agreement

there.

MRS. DAVIS: Mr. Chairman, I think I might clarify this. Definitely this advisory board would come into the local areas where difficulties were pronounced and would go into the problem. As I recall, the bill stated that each year, within each regional office, the advisory board would hold a public hearing to hear the pros and cons of all difficulties of fish and game. There was no expenditure involved as far as the advisory board was concerned, except per diem for the chairman only, and mileage when the committee members were to hold a meeting within the state. I think that what you are trying to do actually would be something that you had better take a good look at here. You mention that the game manager for the regional office would have to hold a hearing. Wouldn't there be a cost involved there?

MR. PHIPPS: On the kind of hearings that we hold locally, we might spend a few dollars for lights in the evening or something of that nature. They are not official meetings, in that you need to publish a legal notice and things of that nature. They are a simple get-together of all of the people interested, where everyone has a chance to speak and voice their opinions of what the Department is proposing to do in our locality. For example, on Avocado Lake we had a meeting Monday night on that very same thing.

MRS. DAVIS: How would you get this information to all of the people within that county or that area unless you gave some publicity to it? The specific people interested would surely not be the only ones able to have a voice in this meeting?

MR. PHIPPS: Mrs. Davis, no one ever reads the legal notices column in the newspapers.

MRS. DAVIS: Oh, don't kid yourself.

MR. PHIPPS: A typical example is right here, perhaps, where some of our recent hearings have been held. At the last deer hearing held here in Fresno regarding special shoots, there were numerous complaints voiced due to the fact that there was no publicity given to these hearings and they heard of them in second-hand and third-hand fashion and so on. We think we could take care of our own community here in publicizing the fact that such a meeting will be held. We cannot guarantee that the people are going to come out. If they are more or less satisfied with what is taking place, they don't bother to come. It's only the disgruntled people that do show up.

MR. CASEY: Mr. Phipps, under the present procedure the Fish and Game Commission hold hearings and you make presentations to them. You don't feel that that is enough representation for your area, that you would rather have this other program? You feel that the present isn't working properly, is that correct?

MR. PHIPPS: I feel that the way we are operating at the present time is only touching the surface. We have spent the money on studies and we are continuing to spend money, and I think we have reached the point where we are in a position to go forward in game management. I feel that your committee is the one to handle the details of that. I don't feel that the rigmarole, the 39.1, the 16.3 and all that sort of thing is at all necessary. It could be so much simpler than that and could still be controlled and maintained so that any people with aspirations of grandeur perhaps or something like that could not force any particular program on any particular community. We want the people of that community to have a voice in it.

MR. CASEY: You don't feel that they have the proper voice

under the present system of putting your recommendations before the Commission, is that correct?

MR. PHIPPS: The present system, I believe, is cumbersome and unwieldy. It is too involved and it is not at all necessary.

MR. CASEY: You think this would simplify the present system?

MRS. DAVIS: Mr. Chairman, if you look at the situation very thoroughly you will find that our present Commission today is a policy-making body, so actually perhaps they should not even have the title of a Commission because they are not administrative. They perhaps should have the title of Fish and Game Board. I would have no objections to calling an advisory board a Big Game Committee, but what are you going to do to the pride of the big game manager of the Department of Fish and Game? Where is my bill going to go?

MR. PHIPPS: Mrs. Davis, perhaps we locally are too blunt. We are not concerned with political factions or features of these various programs. Our basic concern is the welfare of the deer herd and the maximum amount of recreation that can be provided for the hunter. I have time and again in trips to Sacramento, in meetings and so forth, run up against that same particular thing that you mention.

MRS. DAVIS: Yes, that's a factor there.

MR. PHIPPS: It is an unfortunate fact, but I don't know what can be done about it. I am certainly not afraid to step on anybody's toes myself if the straight line to the point we want to reach is the most direct.

MRS. DAVIS: I am not either, Cec.

MR. DOYLE: Cec, I was glad to hear your statement about the political side. I think you are right there. The sportsmen have

allowed their problems to become too political, and have allowed too much authority to be placed in some of the people in higher offices to make these appointments.

You say that the present system is too cumbersome. By that do you mean between the Department of Fish and Game and the Commission? In other words, do you think that there is too much of a question of jealousy between the Commission and the Department?

MR. PHIPPS: That isn't what I meant by cumbersome at all. I believe, at the present time, the game management branch of the Department has the state divided into some fifty or sixty deer herd units, with those subdivided into some hundred and ten units. I would dislike to see a public hearing 110 places throughout the state just to harvest a few deer. I don't think it is necessary and yet that is exactly what it would boil down to under the present system. We feel that the thing can be handled on a local basis.

MR. DOYLE: Well, I will rephrase my question then. Is it true that these problems have to go through too many different tribunals before the problems are finally resolved?

MR. PHIPPS: Basically, that's true.

J. WESLEY SMITH, MADERA COUNTY WILDLIFE PROTECTIVE ASSOCIATION, MADERA, CALIFORNIA: I am very much interested in what has been said. I like Mr. Phipps' ideas and also Mrs. Davis' idea of an all out plan to handle fish and game wildlife protectiveness throughout the State of California. We have to consider that conditions affecting one district don't necessarily affect the other. We have an entirely different situation in our county than they do on the west side. I have hunted in both districts. Most of the large areas on the west side are controlled, and none are in

the forest service. In the Sierra district it is. We are not doing our part when it comes to reforestation and paying attention to the great forest which we really own - it belongs to us. There is no program that is anywhere near fitting.

The forest service is doing a good job as far as they can do it with the money they have, but they do not have the proceeds to proceed with a decent, intelligent program. I know because I have some land in the forest which I have demonstrated will grow pasture grass, wild clover and produces a lot of feed.

Also, I have noticed that the fire roads that are built through the forest offer protection only if you get there first before the fire heads you off. There should be money appropriated and the State of California should see that it is appropriated. If it is taken out of the forest it should be put back here to reforestate and build roads with a clearance of at least 150 feet on each side of the road so that when there's a match or something you have a chance to get through. We lost over \$7,000,000 this last fall in Siskiyou County, Sequoia National Park and Southern California, and there was just no use in it at all, if we had had a forest program. We're just not going ahead. We're letting our forest fill up with trash, filth and disease and it's just like a bombshell. I am bringing this out because it is a big detriment to our fish and game and the building up of the forest for the future. We will be 100 years reproducing the forest that was burned right here in Fresno County.

Of course, I am here today simply representing Madera County and the welfare of the deer and wildlife in our county. We are strictly opposed to any either-sex deer hunts in Madera County and our program has been going along that line for a long time.

We have men with us today. I have asked Judge Murray to write his opinion on this either-sex deer hunt and he will follow me in these few remarks. I think if you are going to call for either-sex deer hunts in any certain area, the hearing should be held in the county where the hunt is going to be held and public notice should be given.

STANLEY MURRAY, JUDGE OF THE SUPERIOR COURT, MADERA COUNTY:

I will make my remarks brief and I want to assure you that what I say to you is based on personal experience, not on any crackpot theories, guesses or hearsays.

I was raised in the mountains of Madera County in the Sierra-Nevada Mountains and we might say with the deer and the Indians. I came here today to learn for the first time that deer are confined to particular localities and will simply either stay there and starve or disappear or some other matter. The member of Fish and Game here in one statement has talked about the over-population of deer, and he used the very words himself that some factor has kept the deer population down. I have listened with interest to the questions of the Chairman and also of our gracious lady here, Mrs. Davis, and I agree 100% with her questions. She has evidently had a lot of personal experience in these matters.

It is a well known fact that the game population of the State is fast disappearing and up to the present time the forces of nature, as far as I am concerned, are absolutely successfully taking care of this increase without any assistance from our paid servants.

I go along 100% that our state at this time is being overrun with commissions, boards and organizations, and they are clear out of control. They don't realize that they are subservient to

the wishes and desires of the taxpayers, so to that extent we must do something about it because we depend upon our State Legislature to keep them in control. They are the same as we are, as I am, we are simply servants of the people and that's one thing we must not overlook.

Furthermore, in making these rules and regulations of course the overall picture that we must take into consideration is the whole state. Last year, or the year before, it was represented to the game Commission that in Madera County there was an overrun of 5,000 deer. Well, I have been going into that territory ever since I was a boy. My people were in the stock business and I was, and I know there were never 5,000 deer in that part of the country. It is ridiculous to say that these deer don't travel around over the country because they do, the same as any other stock and cattle. They feed and browse, as this little lady said, on the sprouts of this brush where the fire has gone over. The time to reestablish and rebuild this feed is right after the burn. That's absolutely a fact and there is no speculation on that at all. That's based on personal experience. The deer browse on this brush. I personally say that nature has done an adequate job of controlling this deer population the same as it has any other wildlife.

One of the representatives here was talking about his county, but he is a representative of the people and we must take into consideration the whole state. What exists over there doesn't apply up here in Madera County or Inyo County or some of those other territories. As far as I understand it, except maybe those few one or two isolated spots, there's absolutely no reason for this merciless slaughter of the defenseless doe and her little

fawns. Even when I was a small boy they were condemning the practice of killing doe. Now, with the increase in population, we've got to preserve those does in order to raise our bucks, and not give into some fellow who wants to shoot her down.

As for those deer staying in one bunch, that is ridiculous. They don't. They migrate and browse all over the country. If that were so, how is it that they come out of our parks in localities? Some of these parties who unfortunately get in these places are taught from reading and theories and under political pressure, and personal reasons of their own, not based on practical experience. The commissions do not give enough publicity to what's going on. The public doesn't know anything about it until it is all over with and then they commence to holler, but there is a way to get this added out so we can appear at these meetings and see.

I will just sum up by saying again there is no reason for killing these defenseless doe and leaving hundreds of little fawns to starve and die. We have seen them in Madera County coming down with a little fawn that didn't weigh over 25 pounds. They killed the does, cut out the hind quarters and left the rest, and others where the does were a little thin they didn't take them at all. The Fish and Game Commission might better occupy themselves in trying to protect our game instead of joining with the destructive forces of nature and depleting it because it will disappear soon enough.

CHAIRMAN BELOTTI: I could say this, Judge Murray, that many of the deer hunters in my district, which are the Counties of Del Norte, Humboldt and Mendocino, would agree with you 100% and would have been very happy to have heard the statements which you have

made when it comes to the deer.

MR. PATTEE: Judge, I fear I come from a county that disagrees with some of your statements, but I think your statements are all very sound. However, in certain areas there is a great deal of damage being done. I could show you tremendous damage that is being done in my valley. Something has to be done and it ought to be localized. I'm not asking for an over-state deal. I think that the nearer we get the power of the people back to the local level, the better we are. The more we can control bureaucracy the better we are. I agree with you all the way on that, but something has to be done in certain localities and I am speaking from a locality where I have seen tremendous damage done.

JUDGE MURRAY: Well, you wouldn't say, of course, that applies all over the state?

MR. PATTEE: No, I don't want it all over the state.

JUDGE MURRAY: Well, of course those fellows prohibiting your local hunters from going out there and shooting them builds up the deer too, you know.

MR. PATTEE: But I do know in my own county, Judge, that we have to do something about it. It is very serious in Monterey County.

MR. CASEY: I didn't have any question for the Judge, but has the Department ever gone into the possibility of trapping does in an over-supplied area and transporting them to an area of scarcity? Is that practical or not?

CHAIRMAN BELOTTI: Mr. Dasmann, would you like to answer that one?

MR. DASMANN: We have found that where conditions are right for deer to increase they do increase at a tremendous rate. A

deer herd can double itself in two years if the conditions are right. In two more years that doubles again. On the other hand, trapping and transplanting is a very costly proposition. We have done considerable trapping and we know. We don't feel that there are areas in the State that that would benefit. We feel that the local deer will build up to the capacity of their ranges.

MR. PATTEE: In the last twenty years it appears to me that there has been tremendous inbreeding and the deer are getting smaller. Isn't there some way we can shoot them out and bring in new blood?

MR. DASMANN: That angle has been investigated, too. They have taken some of these so-called inbred deer from areas where deer were getting smaller, taken them as fawns to areas where there was good forage and the deer grew to be big deer. This so-called small size due to inbreeding is usually a nutrition problem, rather than inbreeding.

MR. SCHRADE: Judge Murray, in your statement you feel that the deer travel long distances from their place of birth?

JUDGE MURRAY: My boy killed a great big buck in front of my place. He was almost as big as a yearling steer. He was one of these mule tail deer and there have been several of them where they have migrated from someplace coming through there. They are just like any other animal, they come out of the parks and roam clear down for sixty miles or more away from that park.

MR. SCHRADE: Mr. Dasmann, what is your opinion of the distance that these deer will migrate?

MR. DASMANN: I am entirely in agreement with the Judge in that respect.

MR. SCHRADE: Sixty miles?

MR. DASMANN: We have deer that migrate as much as 100 miles from their summer ranges to their winter ranges, but the animals that you find on one piece of summer range this year, you are apt to find them back up on the same area the next year. They tend to have this homing instinct to go back to the areas that they are familiar with, even though they travel large distances in between ranges.

MR. SCHRADE: You mentioned here in your testimony before that these animals would stay there and die at the place rather than get out and look for feed. You mean that there's no feed within a radius of sixty or 100 miles from the place they are born?

MR. DASMANN: The animals on their winter ranges, if feed is short there, are apt to stay and die rather than to go over the mountain range to another winter range where feed might be plentiful.

MR. PATTEE: Didn't you say though at the beginning that you thought we should shoot in some of the refuges for these deer because they were becoming over-populated, that they tended to stay there, and that therefore, we should be allowed to go in and shoot for the various reasons that they did not migrate out?

MR. DASMANN: We have some refuges that include both summer and winter ranges where deer may spend their entire life in the refuge. We have other refuges where deer are protected just during the hunting season and move out afterwards to winter ranges outside of the refuges. Some of those deer may become vulnerable in some years.

MRS. DAVIS: Do you feel that some of the malnutrition and diseases might be due to the heavy overgrowth, debris and the material on the ground of the forests that have not been burnt

off? I know some of them are in terrible condition, and I have noticed that where some of the timber and the forests have had fires the deer actually have gone into some of these burns when the fire is still going, when the ashes are hot, and have rolled around because they are just immensely covered with ticks. Now, where are they gathering all of these ticks if some of them don't come from the debris and the muck and mess that's on the ground in the forest? Do you suppose, in other words, that it has a bearing on some of the diseases the deer have and that you people contribute to the lack of forage?

MR. DASMANN: I agree with all but your last statement. I think that in many instances through burning, through habitat improvement, the carrying capacity of the range can be improved. The Department throughout the State is engaged in that type of program, to burn or mechanically clear openings in heavy brush and plant grasses to improve the situation. With our 54,000,000 acres of deer range, it is going to take a lot of money and a lot of time to cover it. As a result, there are many areas where, as the Judge says, nature takes care of the problem by reducing deer through one method or another.

JUDGE MURRAY: This tick situation is one of them.

MR. DASMANN: What we have in mind in that instance is rather than leave nature to reduce these deer, let the hunters take them. Let's use them rather than lose them.

RAY CRABTREE, STAR ROUTE, CLOVIS, CALIFORNIA: My name is Ray Crabtree. I am a packer from the High Sierras and have packed for many years. We are of the opinion the deer is depleting. We are absolutely against shooting does. We think our season is a little too long. We want to build these deer up, that's a crop of ours.

You realize what we are - we pack people back into the mountains for fishing and hunting. I attended a meeting on the eastern slope of the Sierras about two weeks ago and those boys are of the same idea that we are. They know that these deer herds are depleting and we don't see any reason why these female deer should be killed, because we don't feel that there's a lack of food. There are other reasons and if we don't wake up, we're going to find that we haven't any deer herds. Some of us have packed as long as 30 and 35 years and have the experience in these mountains, and I think we should know something about it because as I said before, it is our crop. What's good for us is good for the sportsmen.

MR. DOYLE: What's the predator situation up there in the High Sierras? Do you have any problem with predators?

MR. CRABTREE: Yes, the coyote gets quite a few fawns.

MR. DOYLE: Has there been any effort on the part of the sportsmen to kill them off?

MR. CRABTREE: The Fish and Game have had trappers in there.

MR. DOYLE: How many trappers?

MR. CRABTREE: One trapper in our region.

MR. DOYLE: How much of a region is that? Thousands and thousands of acres?

MR. CRABTREE: That's right.

CHAIRMAN BELOTTI: Do you feel that it would be well to permit the predators to increase in number so as to maintain that so-called nature's balance between the game animals and the predators?

MR. CRABTREE: We feel that there should be some predatory animals in there, that we shouldn't kill them all off, but that we should control those predatory animals because they will take care of your weak and sick deer and keep your deer stronger. We are in

favor of local advisory because there are spots over on the coast with lots of deer. We have heard that, but we old timers, born and raised in the Sierras, - I myself have packed since 1918 - know something about deer and fish, and we see them going down. They contend now that we have more deer than we had twenty years ago. That isn't right. There isn't one-fourth the deer that we had twenty years ago.

MR. DOYLE: There's an organization in Los Angeles, some people there who own airplanes, and they fly these hunters into these areas where it used to take weeks to get in. Do you not think that the sportsmen should start some kind of a campaign to prohibit their going into those primitive areas - landing in there by airplane?

MR. CRABTREE: We're back of you 100%.

MR. DOYLE: I think that should be one of the things on the program of the sportsmen, to stop that business of going in there with helicopters and dropping right in among these herds, killing them off and flying out of there in an hour. The result is that the man who has to pack in and arrange it for months ahead for his vacation, goes up there and the first thing we know they're going to be depleted also. Something has to be done.

MR. CRABTREE: It also should be with your jeep problem, too. We feel that something should be done about this jeep problem. They're destroying our forests. They're going through there and making wheel tracks. You were talking about land erosion, there are places that they have cut down clear to the axle in the meadows and like that.

LEO DOLLAR, FRESNO: My name is Leo Dollar from Fresno. I am a bowman, a fisherman and a hunter with rifle and shotgun.

First of all, I would like to ask the two judges, Judge Bailey and Judge Murray, if they can recall reading what happened to the Kaibab Forest? I was a kid when that was regarded as the greatest hunting area in the world and it was regarded as the perfect park for all kinds of game. It was over-protected and pretty soon there were no deer. There weren't even cougars or wildcats because everything died.

In regard to the business of brush burning, I work for the Fresno Bee and I and my immediate superior probably are responsible in the most part for the McClatchy Newspapers getting behind the brush burning program in California. Up until that time it had held up its hands in horror along with some of the other agencies. We are for it and from my own personal experience I have seen deer come in where deer had not been for years because of the brush being too heavy, where there was actual strangulation of the brush by itself. Quail have increased in terrific numbers on that same range. There are all kinds of populations, even the lightweight predators, to where it is really a beautifully balanced game population.

In connection with Mrs. Davis' remarks on disease, I, too, feel that this business of brush burning would seem to control some of the problem of disease either soil borne or insect borne. I can recall as a kid in San Diego County when there was a terrific problem of diseases in the deer population there that were actually brought in by the cows, so the cattleman isn't any saint. As far as his saying that the duff underneath the tree is no good, the good earth needs a quilt of some sort of insulation too and you're not going to grow a grass in shade. If you're going to have trees you're going to have duff. You aren't going to have grass. That's

an established fact, but range grasses need sunshine and they aren't going to get it under any tree.

Most of the things I have seen done by the Department of Fish and Game, far from being hard-nosed and arbitrary, are usually done in a way that agrees with most of the practices by actual sportsmen. I agree there are a lot of fellows buying pheasant tags and deer tags who aren't sportsmen by any means. I have had enough shots come close to my own head that I know that, but most of the practices that we have seen put into effect by the Department and the forestry service here in the Valley and in Southern California, where I grew up - and our hunting pressure is nothing here in the Valley compared with what it is in San Diego and Los Angeles Counties; they stand in line for shots at a pheasant there - have been quite in keeping with what the sportsmen want, and whether the cattlemen admit it or not, they are in line with what is good for the cattlemen.

The only other thing I would like to add is that, in the case of hunting these confined ranges where deer populations have become extreme or pestilential, I would like to see the California game authorities possibly divide the control of hunting on those populations between riflemen and bowmen. I hunt both and enjoy both and I think in those confined ranges you might possibly work it out better by using bowmen. In the last two years we have added a tremendous number of capable bowmen, and happily I can say that you will find more actual sportsmen among the bowmen than you will in any other sport because when a fellow picks up a bow to go after his deer, he has increased the odds against himself by about 500 to 1.

MR. PHILPOTT: I wanted to say before you adjourned,

Mr. Chairman, that I know the sportsmen of the San Joaquin Valley join me in thanking you and your Committee for being here. We appreciate it and sincerely hope that you can find time, perhaps on the big game management only down where we mentioned a while ago. I think the last time we had an interim committee on fish and game here was about four or five years ago, the Senate and the Assembly jointly, and it lasted three days. Now, in the last year, that committee meeting is actually bringing results, so we know that we do get results from these meetings though sometimes it takes three or four years. We would like to have you back again some other time before 1957, at which time we would like to talk to you about pheasant problems and a few other things, and we will leave game management out of it. Perhaps it could be some Friday evening and Saturday morning because we have a hard time getting them out on a work day.

MRS. DAVIS: Mr. Chairman, before we close, might I ask Mr. Shannon a question? It is a very pertinent one and he doesn't have to answer if he doesn't desire to, but I am very interested in knowing what your position at the present time might be on a game advisory committee?

MR. SHANNON: Do you want this in the record?

MRS. DAVIS: Yes, please.

WALTER SHANNON, DEPARTMENT OF FISH AND GAME: Mr. Chairman, members of the Committee, I think our position at the present time is the same as it was in the last legislature in relation to that specific legislation. We were against the advisory board and that was predicated on the stand taken by the Commission, of course. Until such time as you modify your proposal or introduce new proposals in relation to the board, why I think we will have to main-

tain that stand until the Commission perhaps revokes its stand, if it should, but if you should modify it I am sure that they would give consideration to it further.

MRS. DAVIS: Modification to what degree? What was their objection?

MR. SHANNON: Their objection generally was that they didn't feel an advisory board was necessary in the present program. Now, maybe they might change that or they might change their attitude in respect to that or in respect to modification.

MRS. DAVIS: Would it be perhaps that they received the impression that since appointments were made by the Governor that it would only be a repetition of another Commission, and perhaps they were not aware that if we re-wrote the legislation it would definitely specify that these appointments by the Governor would have to be made from these respective interests and fields, which definitely I feel would not be repetition as far as political appointments by the Governor not within that specific field. It is my understanding, too, Mr. Shannon, that the Commission was not fully in accord. There was one Commissioner who was in favor of the advisory board, is that correct?

MR. SHANNON: That's what I understand. Of course, as you know, Mrs. Davis, you talk to members of the Commission and know their feelings pretty well. The Commission is a policy-making body and that was a matter of policy, and of course the Department follows along on the policy set by the Commission.

MRS. DAVIS: Mr. Shannon, I did have dinner with the Commissioners before this bill was to be considered, and I believe the Commissioners are a little afraid that some authority, some power, some prestige perhaps, if we might go so far as to say that,

might be taken away from them. They are all very fine gentlemen and I do believe that if they would check very, very closely they would find that an advisory board might be a help to them. It in no way would take any powers or authority away from them. They would be working for them and for the Department, and even the Department would be represented on there.

I know that possibly it is a very touchy issue. I do believe that if the Department is in accord with this type of a program they could do a great deal in selling the Commission, because you do sell the Commissioners on the policies that they adopt, don't you? You present them to them?

MR. SHANNON: That's true. This was fully discussed by the Department and the Commission at a joint meeting at the time your legislation was up in the Legislature, and it was the feeling that in the overall picture the advisory board as presented in that legislation was not desirable, and so the Commission set that policy and that was it from there on out. I am not sure about how some of the Commissioners feel about it personally and I am not prepared to answer how they feel because that's up to them, but I do not believe it was so much the feeling that they were losing some of their power. I don't feel that was the major consideration at all.

MRS. DAVIS: What do you feel the major consideration might have been?

MR. SHANNON: Well, as I say, each Commissioner formed his own opinion. I think they voted on the measure and their over-all vote was against the proposal. Many of them had different feelings in the matter and what the major opposition consisted of, I am not quite prepared to say. Those who opposed it may have opposed

it for different reasons.

MR. SCHRADE: Has the Commission opposed it because the Department was against it, or had you recommended against it to the Commission?

MR. SHANNON: No, I don't think it was so much recommendation of the Department. At the time this was brought up, the Department considered it and met with the Commission and I don't believe, as I remember, that the Department came out and made a recommendation for or against it. It was somewhat of a general discussion with the Commissioners and the Department sitting around a table, and the Commissioners decided it wasn't desirable. I don't think the Department made a definite recommendation. If so, I wasn't there at the time.

MRS. DAVIS: Mr. Shannon, perhaps I shouldn't say this but I watch things quite closely and I notice that where some specific staff member of the Department travels, that is where the opposition to the bill comes. Now, I think we are going to have to lay the cards on the table on this thing, and if you took no position one way or the other to the Commission you certainly did not encourage them, right?

MR. SHANNON: There was a free discussion of the thing and I will say this, Mrs. Davis, that there were people on the Department who tend to favor your recommendation.

MRS. DAVIS: I know some of the staff, but perhaps some did not.

MR. SHANNON: That is right, some did not and it was debated around the table like this and the commissioners felt in the overall picture that it wasn't desirable and they made that decision. I think your proposal has merit and other people feel so too, but

some people don't.

MRS. DAVIS: Would there be a possibility that we might be able to sit down and meet with the legislators and see if we could come to some compromises on the philosophy of a big game committee and maybe you might be in a position to try to sell it to the Commission?

MR. SHANNON: I think that if you introduce it and it will be introduced, no doubt next session, we'll have to consider it and of course as I say the Commission sets the policy and if it sets that policy why the Department would be obligated to go with it.

MRS. DAVIS: But you recommend the policies that they adopt, don't you?

MR. SHANNON: Very definitely.

MRS. DAVIS: That's what I mean. Do you suppose that we could work together in great detail on this thing and I might very possibly accept some of the proposals that you recommend to be in the legislation, but of course not some of them you recommended the last time.

MR. SHANNON: Well, that's right. We had a good program last time, and there were some bad features in it, but the overall program was pretty good. I think that as far as this advisory board is concerned you should try perhaps to get the Commissioners with you, rather than the Department, because at the present time we know what the attitudes of the Commissioners are on this thing.

MRS. DAVIS: Perhaps you have sold them that attitude just slightly.

MR. SHANNON: No.

MRS. DAVIS: I'm trying to sell you first. Now, the cattlemen must be going along a little bit with this philosophy because they

have asked me to speak at their convention in Red Bluff because of my interest in this big game committee. So people are picking up interest throughout the state on this. I know you are a very fine man to work with. I have worked with you on many, many different things and I do feel that if we spent some time together we might come forth with some type of legislation that would be agreeable.

MR. SHANNON: We certainly wouldn't object to getting together with you and discussing this any time as far as you would like to go and at such time as it comes up again to talk over with the Commission and see what their feeling is in the matter in relation to future legislation.

MRS. DAVIS: That's fine.

CHAIRMAN BELOTTI: Thank you very much. The meeting is adjourned.